

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MARWAN SNODGRASS :
Petitioner, : Case No. 3:09-cv-081
vs. : JUDGE WALTER HERBERT RICE
TIM BRUNSMAN, Warden, :
Lebanon Correctional Institution, :
Respondent :
:

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE JUDGE (DOC. #9) IN THEIR ENTIRETY;
JUDGMENT TO ENTER IN FAVOR OF RESPONDENT AND AGAINST PETITIONER,
DENYING PETITION FOR WRIT OF HABEAS CORPUS (DOC. #1) IN ITS ENTIRETY;
CERTIFICATE OF APPEALABILITY AND ANTICIPATED MOTION FOR LEAVE TO
APPEAL *IN FORMA PAUPERIS* DENIED; TERMINATION ENTRY

On October 24, 2011, United States Magistrate Judge Sharon Ovington issued a Report and Recommendations (Doc. #9), recommending that Marwan Snodgrass's Petition for Writ of Habeas Corpus (Doc. #1) be denied and dismissed, that Snodgrass be denied leave to appeal *in forma pauperis* and be denied any requested certificate of appealability, and that this case be terminated on the Court's docket. Although the parties were advised of their right to file objections to the Report and Recommendations, and of the consequences of their failure to do so, no objections have been filed within the time allotted.

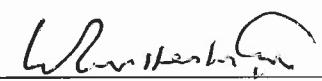
Based on the reasoning and citations of authority set forth in the Report and Recommendations of the United States Magistrate Judge, as well as on a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS the Report and Recommendations (Doc. #9) in their entirety, and DENIES the Petition for Writ of Habeas Corpus (Doc. #1).

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Petitioner is denied a certificate of appealability and denied leave to appeal *in forma pauperis*.

Judgment will be entered accordingly in favor of Respondent and against Petitioner, DISMISSING WITH PREJUDICE all grounds asserted in the petition for a writ of habeas corpus.

This case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: November 15, 2011



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to: Petitioner
Counsel for Respondent